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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

MICHAEL PEARSON, JAMES SUTER,
SILVIA SUTER, and JEANNIE STRANGE,
on behalf of themselves and all others similarly
situated,

Plaintiff,

v.

PORT OF MORROW, LAMB WESTON
HOLDINGS, INC., MADISON RANCHES,
INC., THREEMILE CANYON FARMS, LLC,
BEEF NORTHWEST FEEDERS, LLC, and
JOHN DOES 1-10,

Defendant.

Case No.: 2:24-cv-00362-HL

**REPLY IN SUPPORT OF MOTION FOR
EXTENSION OF TIME**

For their Reply, defendants Port of Morrow, Lamb Weston Holdings, Inc., Madison Ranches, Inc., Threemile Canyon Farms, LLC, and Beef Northwest Feeders, LLC (together, “Defendants”) respectfully submit the following:

Defendants have filed a joint motion to extend the deadline to respond to the Amended Complaint. (ECF #21.) That is the only matter now pending for decision before the Court. The extension Defendants propose is eminently reasonable: for three of them, the uniform deadline sought is just two weeks after their existing, default deadline of May 24, 2024. Indeed, the reasonableness of the deadline Defendants seek appears to be undisputed. It is the same deadline — June 10, 2024 — that *Plaintiffs* originally suggested in conferral between counsel and that they now suggest in the case schedule they propose in the Response to Defendants’ motion.

So why do Plaintiffs say they oppose Defendants’ motion? They apparently wish to leverage this opportunity to impose a global case schedule. But their request for a global case schedule is premature. According to the District of Oregon’s Local Rules of Civil Procedure, counsel for all parties must hold a Rule 26(f) conference within 30 days after defendants respond to the complaint. *See* LR 26-1(1). After the Rule 26(f) conference, the Local Rules provide that plaintiffs’ counsel must contact the court to request a Rule 16 conference. *See* LR 16-2(a). The case schedule is then determined at the Rule 16 conference. *See* LR 16-2(b).

But regardless of the Local Rules, Plaintiffs admit they intend to add additional defendants to this case. And, though they have not yet sued all the parties they plan to sue, they insist on imposing a global case schedule now — without giving the not-yet-named defendants an opportunity to be heard on the schedule.

There will be a time and place to discuss the case schedule. At that juncture, the parties will discuss with each other and the Court such things as how long fact and expert discovery will

take, whether efficiencies are possible using case-management techniques like phasing, when the case will ripen to litigate motions for class certification, when motions for summary judgment will be appropriate, whether all parties intend to consent to magistrate jurisdiction and, if not, whether it will be necessary to include room in the case schedule for objections to be filed and considered by a district judge, and so on. But counsel have not had an opportunity to meaningfully discuss those questions, either with each other or with the Court, because now is not the time for that. There is one question, and only one question, now pending: whether the deadline to respond to the Amended Complaint should be extended.

Because there appears to be no real dispute on that question, and because the extension sought is reasonable and with good cause, Defendants respectfully request that the motion be granted.

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DATED: May 1, 2024

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